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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,822	09/22/2003	Siegfried Beisswenger	P03,0327	1019

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EXAMINER

EVANISKO, LESLIE J

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4x

<b>Office Action Summary</b>	<b>Application No.</b> 10/667,822	<b>Applicant(s)</b> BEISSWENGER, SIEGFRIED	
	<b>Examiner</b> Leslie J. Evanisko	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-16, 18-19, 21, and 23-24 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 17, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numeral **15** in the Figure has not been described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 7-8, 10, 15-17, and 20-24 are objected to because of the following informalities:

With respect to claims 7-8 and 10, the term "the chromium layer" in each claim should be deleted and replaced with --the chromium containing layer-- to use consistent claim terminology since claim 6 recites a chromium containing layer.

With respect to claim 15, it appears that the unit at the end of the claim should be  $\mu\text{m}$  (instead of  $\mu\text{n}$  as currently recited.)

With respect to claim 16, the term heliorotogravure is not a recognized English word and has not clearly been defined in the specification and therefore has no clear meaning.

With respect to claim 17, the term "the copper layer" in line 4 has no proper antecedent basis since no copper layer has been previously recited. To correct this problem, it is suggested that the phrase --and a copper layer-- be added to line 3 of claim 17 after the term "core".

With respect to claims 20-24, it is suggested that the term "The block" at the beginning of each claim be deleted and replaced with --The print block-- to use consistent claim terminology.

Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 18, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (US 5,221,562). Morgan teaches a method of producing a print block for rotogravure comprising applying a chromium layer 6 (i.e., coating layer including chromium material as described in column 4, lines 41-57) to a print block as an engraving surface, and by use of a laser beam, engraving cups 8 in the chromium layer engraving surface. See, in particular, column 1, lines 10-14 and column 4, lines 41 through column 5, line 64, as well as Figures 1-4.

With respect to claims 3-4 and 21, Morgan teaches providing the chromium coating layer with a predetermined roughness in column 4, lines 1-5, and column 5, lines 15-19 and 53-64.

With respect to claim 5, note column 5, lines 39-49.

With respect to claim 18, note Morgan teaches a rotogravure print block including a core 4, chromium layer 6 over the core, and laser engraved cups 8 in the chromium layer.

With respect to claim 23, note Morgan teaches a chromium alloy in column 4, line 50.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US 5,221,562). Morgan teach a print block as recited with the possible exception of the particular thickness of the chromium layer. However, the optimum thickness for the chromium layer could easily be determined through obvious routine experimentation. Therefore, it would have been obvious to one of ordinary skill in the art to provide a print block with a chromium layer having a thickness of approximately 25  $\mu\text{m}$  to provide reasonable support to the plate to allow for clear printing.

8. Claims 2, 10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US 5,221,562) in view of Drozhin et al. (SU 1729504 A1). Morgan teach a print block and method as recited with the possible exception of the chromium layer being applied galvanically. Note that

Morgan teach the chromium layer is applied using plasma spray or detonation gun coating processes in column 4, lines 58-61. Regardless, Drozhin et al. teach it is well known in the art to galvanically deposit a chromium layer onto a substrate. In view of this teaching, it would have been obvious to one of ordinary skill in the art to galvanically apply the chromium layer as taught by Drozhin et al. onto the core of the print block of Morgan as it would simply require the obvious substitution of one known chromium coating process for another to allow for a print block that provides clear printing.

9. Claims 6-9, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (US 6,113,472) in view of Morgan (US 5,221,652). Rosa teach a method of printing including providing a print block with a pattern, inserting the print block into a printing machine and using the print block to print. Although Rosa does not teach providing the particular print block construction as recited, note that Morgan teaches providing a gravure print block having a core and applying a chromium containing layer on the block and laser beam engraving cups into the chromium layer. See column 1, lines 10-14. In view of this teaching, it would have been obvious to one of ordinary skill in the art to use the block as taught by Morgan in the printing method of Rosa to provide a print block with improved wear life.

With respect to claim 7, note Rosa removing the chromium layer from the print block after completion of printing is well known in the art.

With respect to claims 8-9, Morgan teaches providing the chromium coating layer with a predetermined roughness in column 4, lines 1-5, and column 5, lines 15-19 and 53-64.

With respect to claim 12, note the core of Morgan is steel, as taught in column 6, line 8.

With respect to claim 14, note the chromium containing layer of Morgan is a chromium alloy in column 4, line 50.

With respect to claim 15, Morgan teach a print block as recited with the possible exception of the particular thickness of the chromium layer. However, the optimum thickness for the chromium layer could easily be determined through obvious routine experimentation. Therefore, it would have been obvious to one of ordinary skill in the art to provide a print block with a chromium layer having a thickness of approximately 25  $\mu\text{m}$  to provide reasonable support to the plate to allow for clear printing.

With respect to claim 16, to the extent that the claim has any clear meaning, note Rosa teaches a rotogravure printing arrangement.

***Allowable Subject Matter***

10. Claim 25 is allowed.



11. Claims 11, 13, 17, 20, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 11, 17, 20, and 25 in particular, the prior art of record fails to teach or fairly suggest a method including all of the method steps as recited, in combination with and particularly including, providing a base copper layer on the core and applying the chromium containing layer onto the base copper layer.

With respect to claims 13 and 22 in particular, the prior art of record fails to teach or fairly suggest a method and print block including all of the method steps (or structure) as recited, in combination with and particularly including, the print chromium layer comprising only chromium.


### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Singler et al. (US 2002/0187292 A1), Luthi (US 5,143,578) and Gelbart (US 6,530,317 B2) each teach a gravure printing block having obvious similarities to the claimed subject matter.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
August 8, 2004